

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAMUEL B JOHNSON III,

Case No. C-07-05756 SI (JCS)

Plaintiff(s),

v.

**FURTHER ORDER DENYING
PLAINTIFF'S MOTION TO QUASH
[DOCKET #128]**

CHEVRON CORPORATION, ET AL.,

Defendant(s).

By Order dated August 25, 2008 the Court denied plaintiff's motion to quash in part (with regard to the A.G. subpoena and the Kaiser subpoena) and requested further information. The court has received a letter dated September 22, 2008 from counsel for defendant.

The Court has previously found that records sought from the Department of Social Services and Dr. Frank are relevant to the damages sought by the plaintiff, and that the relevance of this evidence outweighs any need for privacy. Any privacy concerns can be addressed by production of the information as confidential under the order of this court that has been entered to protect those privacy interests.

The Court asked the parties to address the protections against disclosure under HIPAA and the California Welfare and Institutions Code. HIPAA regulations permit the production of the covered records when ordered by a Court. HIPAA and the California Welfare and Institutions Code also authorize disclosure when an authorization is executed. In light of the Court's conclusion regarding the relevance of these documents, and the ability of the Court to protect the confidentiality of the records, plaintiff is hereby ORDERED to execute authorizations, in a form to be prepared by

1 the defendant, authorizing the release of the records sought in the subpoenas to Dr. Frank and to the
2 Department of Social Services. The motion to quash is denied in its entirety..

3
4 IT IS SO ORDERED.

5
6 Dated: October 1, 2008

7 
8 JOSEPH C. SPERO
9 United States Magistrate Judge
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28